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RE: Comment to Pending Supreme Court Rule Proposal 14-0011 (Relating to changes in the Character & Fitness process) - May 14, 2014

COMMENT: While only time will tell, it appears that the comprehensive proposal to change the character and fitness portion of the admissions process is a tremendous improvement over the present process. The pending proposal would effect changes that have been badly needed for some time and in my judgment, will enable the process to work more efficiently while actually increasing due process and the perception of due process. I strongly support the proposal with one minor exception.

Specifically, proposed Rule 36(f)(2)(F)(4), which relates to disclosure of information by the Committee and the applicant, provides for disclosure by the Committee and the applicant only twelve (12) days before the hearing. While most pertinent information will be known to the applicant and the Committee well in advance of a scheduled hearing, it is very likely that some previously unknown information will be disclosed pursuant to the proposed rule. In those instances, learning of “documents and other information” for the first time twelve (12) days before a hearing provides insufficient time, especially for an applicant, to prepare to arrange for witnesses and documents necessary to rebut previously undisclosed adverse information. This is especially true for those applicants who appear pro se at these hearings – presumably a substantial percentage of all applicants. Accordingly, I would revise pending Rule 36(f)(2)(F)(4) to provide for disclosure of “documents and other information to be used at the hearing” thirty (30) days before the scheduled hearing.